

# **EXHIBIT 7**

# **FILED UNDER SEAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

The State of Texas, et al.,

*Plaintiffs,*

v.

Google LLC,

*Defendant*

Civil Action No. 4:20-cv-00957-SDJ

**DECLARATION OF DR. JOSHUA GANS IN SUPPORT  
OF PLAINTIFF STATES' RESPONSES TO GOOGLE LLC'S MOTIONS FOR  
SUMMARY JUDGMENT AND STATEMENT OF UNDISPUTED MATERIAL FACTS**

1. My name is Dr. Joshua Gans and I am a Professor of Strategic Management at the University of Toronto. I make this declaration based on my personal knowledge. If called as a witness, I could and would competently testify to the matters stated herein.

2. I have been retained by the Plaintiff States as a testifying expert in the above-captioned case. As part of my assignment in this case, I submitted an Opening Report on June 7, 2024, and a Rebuttal Report on September 9, 2024. I anticipate testifying and would testify at trial under penalty of perjury to all of the matters set forth in my June 7, 2024 Opening Report and September 9, 2024 Rebuttal Report.

3. The table below uses data from [REDACTED], the same dataset used for AdX market shares in my Opening Report.<sup>1</sup>

4. The first row of the table shows my original opinion. As explained in my Opening Report, those shares were calculated by: (1) defining the set of impressions transacted by AdX (numerator); (2) conservatively approximating the relevant set of open web display impressions

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<sup>1</sup> The [REDACTED].

transacted by ad exchanges using all DFP indirect transactions.<sup>2</sup> I also filter transactions [REDACTED]

[REDACTED].<sup>3</sup>

5. Google's data documentation defines AdX transactions as transactions by AdX buyers and Google ad buying tools.<sup>4</sup> I apply this definition to the [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I consider impressions by the first

[REDACTED]

[REDACTED]. These AdX transactions are the numerator of the AdX market share.

6. To obtain the set of transactions for the denominator, I define DFP indirect transactions in the data using Google documents. [REDACTED]

[REDACTED].<sup>5</sup> This

definition clearly includes [REDACTED]

[REDACTED]. Google's [REDACTED]

[REDACTED]

[REDACTED].<sup>6</sup>

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<sup>2</sup> Gans Opening Report, ¶372.

<sup>3</sup> Gans Opening Report, footnote 428.

<sup>4</sup> "2023.04.17 Transmittal Letter re Data Production," (April 17, 2023).

<sup>5</sup> Gans Opening Report, footnote 428. GOOG-TEX-00971726 at -736. "Header Bidding Observatory #2" (May 2017). Internal Google presentation detailing Header Bidding adoption.

<sup>6</sup> Gans Opening Report, footnote 428.

7. The second row shows the opinion with the reduction Google is seeking. Google's adjustment removes from the numerator transactions by [REDACTED]

8. The rows after that show the market share with various highly conservative assumptions relaxed in turn so that ad network and other indirect transactions that are likely not by ad exchanges are not counted in the denominator for the ad exchange market. These assumptions are relaxed while adopting Google's adjustment to the definition of AdX transactions.

9. The third row excludes transactions under [REDACTED] from the denominator.

10. The fourth row excludes [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. I do so by removing transactions for which the [REDACTED] from the denominator.

11. The fifth row excludes [REDACTED] [REDACTED]. I do so by removing transactions for which the [REDACTED] from the denominator.

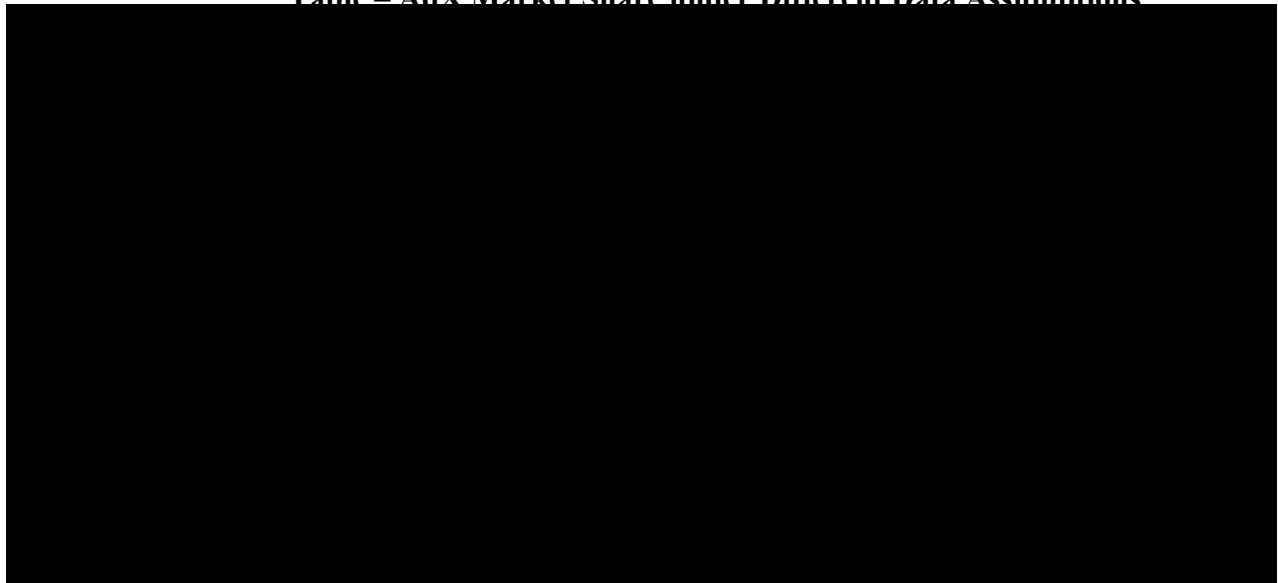
12. The sixth row adds DFL (First Look) transactions. DFL transactions are AdX transactions I conservatively exclude from the numerator in my original calculations. I add them in this calculation by removing [REDACTED] only. I do

so by allowing [REDACTED]

13. The seventh row relaxes all four conservative assumptions described above maintain Google's definition of AdX transactions. The eighth row relaxes the same four assumptions but uses Gans' Opening Report definition of AdX transactions. The impact of each of these assumptions on the market share depends on [REDACTED]

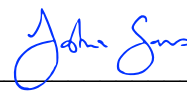
[REDACTED]. For example, [REDACTED]. For this reason, relaxing this assumption in the fourth row while applying Google's desired definition of AdX transactions results in [REDACTED]

**Table – AdX Market Share under Different Data Assumptions**



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12/09/2024, in Toronto, Canada



**Joshua Gans, Ph.D.**